



# Building Consistency Meeting

Commercial

Date 11/04/2015 Recorder and minutes prepared by: Jay Garbus/Lon McSwain

**Staff present:** On File

**Public present:**

1. Occupant load factor for Yoga Studio (35 sq. ft. /person or 50) – DOI has an interpretation on how to calculate the load.
2. Break rooms <750 sf (100 gross or 15 net) does this also apply to training rooms? – Code has definition for occupant load, so it is the same effective 1 JAN 15. Only applies to Group B occupancy.
3. Continuity of Fire Partitions in R2 – Need to go to a rated partition see section 709.4 Building Code and also look at the exceptions.

**709.4 Continuity.** Fire partitions shall extend from the top of the foundation or floor/ceiling assembly below to the underside of the floor or roof sheathing, slab or deck above or to the fire-resistance-rated floor/ceiling or roof/ceiling assembly above, and shall be securely attached thereto. If the partitions are not continuous to the sheathing, deck or slab, and where constructed of combustible construction, the space between the ceiling and the sheathing, deck or slab above shall be fireblocked or draftstopped in accordance with Sections 717.2 and 717.3 at the partition line. The supporting construction shall be protected to afford the required *fire-resistance rating* of the wall supported, except for walls separating tenant spaces in *covered mall buildings*, walls separating *dwelling units*, walls separating *sleeping units* and *corridor walls*, in buildings of Type IIB, IIIB and VB construction.

Exception 5. Fireblocking or draftstopping is not required at the partition line in **Group R-2** buildings that do not exceed four *stories above grade plane*, provided the *attic* space is subdivided by draftstopping into areas not exceeding 3,000 square feet (279 m<sup>2</sup>) or above every two *dwelling units*, whichever is smaller.

4. F and T rating required by the Building Code Section 713 penetration. Also Behring electrical boxes are required.

**713.3.2 Membrane penetrations. Exceptions:** 4. Membrane penetrations by boxes other than electrical boxes, provided such penetrating items and the *annular space* between the wall membrane and the box, are protected by an *approved membrane penetration* firestop system installed as tested in accordance with ASTM E 814 or UL 1479, with a minimum positive pressure differential of 0.01 inch (2.49 Pa) of water, and **shall have an F and T rating** of not less than the required *fire-resistance rating* of the wall penetrated and be installed in accordance with their listing.

**713.4.1.1.2 Through-penetration firestop system.** *Through penetrations* shall be protected by an *approved through-penetration firestop system* installed and tested in accordance with ASTM E 814 or UL 1479, with a minimum positive pressure differential of 0.01 inch of water (2.49 Pa). The system shall have an **F rating/T rating** of not less than 1 hour but not less than the required rating of the floor penetrated. **Exception:** Floor penetrations contained and located **within the cavity of a wall above the floor or below the floor do not require a T rating.**



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5. Code Administrator transition – Lon McSwain is retiring the end of November and Jeff Vernon, Plans Examiner is taking his place. Jeff will also be doing classes at CPCC for Building Levels in the spring. We will keep you posted when that happens.

Jeff Vernon will succeed Lon as building code administrator. Jeff has worked in code enforcement his entire career, having first served with the U.S. Army Engineers. He has been with Mecklenburg County since 2007, and has served as a controller, plans examiner for CTAC and OnSchedule, and currently serves as senior plans examiner. He has been certified by the ICC as a master code professional and a certified building official. Jeff was recently named the recipient of Mecklenburg County's Above & Beyond @ Work Award.

6. Move to 2145 Suttle Ave – Will be moving to the new building on 18 DEC 2015. The office will be closed to the public on 21 DEC 15 and maybe the following day to get the staff in place and knowing where everything is located.

LUESA including Code Enforcement, are moving to 2145 Suttle Avenue, at the intersection with Wilkinson Boulevard. This beautiful facility, which formerly housed the Charlotte School of Law, will include a state-of-the-art Customer Service Center to serve our customers better and provide extra help for customers who may be struggling with tough problems.

A ribbon-cutting and open house will be held in January. The divisions moving to the new facility include County Code Enforcement, Water & Land Resources, Air Quality, GIS, Solid Waste, and Administrative Support Services.

This move represents a new approach for LUESA in terms of enhanced focus on our customers, and we are enthusiastic about the road ahead. The new building also boasts plenty of parking on site and enhanced conference and meeting space.

7. Phase 1 inspection realignment – Restructuring the department to Residential, Commercial and Mega team. There will be no North South team after this goes into effect July 2016.

8. What constitutes occupancy prior to C of O – The department has a memo on what it consists of after meeting with DOI.

## BUILDING OCCUPANCY PRIOR to APPROVAL PROHIBITED

July 17, 2014

This memo is intended to explain why buildings are not allowed to be used before they are deemed safe through an extensive review and inspection process.

The State Building Code does not allow occupancy of a building unless the building has been approved by the building official for occupancy. A Certificate of Occupancy (CO) can be approved, permitting occupancy, for the entire building once the project is completed and approved by the inspection department (Section 204.8.1). A temporary Certificate of Occupancy (TCO) can be approved for a stated period, for a specific portion of a building that the inspector finds safe for occupancy, prior to the completion of the entire building (Section 204.8.3). Without a CO or TCO, no occupancy is allowed in the building.



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For purposes of this memo, “occupancy” is defined as the use or intended use of a building, or part thereof, for the shelter or support of persons, animals or property. This includes, but is not limited to, entry into the building by individuals, tenants and other non-construction personnel, as well as the placement of the owner’s property (furniture, contents, products etc.), which are not attached to and part of the building construction project. Moving into the building, the owner’s loose furnishings, materials, products etc., is considered occupancy and requires prior issuance of a CO or TCO.

Items such as equipment and fixtures, that are furnished by the contractor and attached to the building, are considered part of the permitted construction project, and therefore a CO or TCO is not required. There have been a few occasions, where the Department has allowed limited amounts of unattached furnishings to be moved into the building prior to the CO or TCO. In all of these prior situations, those items were furnished (owned) by the contractor of record as part of the contracted project scope. Because these items are placed inside the building by someone other than the intended

Owner/operator, this placement is not considered by the Department as “occupancy”, and therefore no CO or TCO is required. Only after the CO or TCO is issued, can the ownership of said items placed inside the building by the contractor, be transferred to the owner/operator.

Again, the intent of this memo is to explain why buildings should not be occupied before they are deemed safe through an extensive review and inspection process. It is purely a safeguard against the premature use of a building under construction, which might place individuals in dangerous situations, who are not accustomed to the common risks present at most active construction sites, as well as the unsafe fire exposure associated with placing property inside a building prior to all fire protection systems being fully functional.

- Residential Building
  - Nov. 4, 8 a.m.
  - Dec. 2, 8 a.m.
  - Jan. 6, 8 a.m.
- Commercial Building
  - Nov. 4, 9 a.m.
  - Dec. 2, 9 a.m.
  - Jan. 6, 9 a.m.

**WE STRIVE TO PROVIDE EXCELLENT PLAN REVIEW AND INSPECTIONS WITH  
OUTSTANDING CUSTOMER SERVICE**

Approved By Lon McSwain Date 11/12/2015